

[FRL 706-4]

MINNESOTA-WISCONSIN

Joint Marine Sanitation Device Standard

On January 4, 1977 (42 FR 337), notice was published that the States of Minnesota and Wisconsin jointly had petitioned the Administrator, U.S. Environmental Protection Agency (the Agency) to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the Minnesota-Wisconsin portions of Lake Superior, for the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and for the St. Croix River from the mouth to Taylors Falls, Minnesota (42 FR 837, January 4, 1977). This petition was filed pursuant to Section 312(f) (3) of Pub. L. 92-500.

Section 312(f) (3) states:

After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters with such State require greater environmental protection, such State may completely prohibit discharge from all vessels of any sewage, whether treated or not into such waters, until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for such waters to which such prohibition would apply.

With respect to the Minnesota portions of Lake Superior, the State of Minnesota certifies that four pumpout facilities and thirteen septic tank pump truck operators are available to service vessels operating on the waters of Lake Superior. Of the four cited pumpout facilities, two are in Duluth, one is in Knife River, approximately 18 miles north of Duluth, and the fourth is in Grand Marais, approximately 110 miles north of Duluth. Of the thirteen tank truck operators, seven are in Duluth, two are in Two Harbors,

approximately 28 miles north of Duluth, one is in Beaver Bay, approximately 52 miles north of Duluth, and one is in Grand Marais, approximately 110 miles north of Duluth. The remaining two cited septic tank pump trucks are located in Cloquet, approximately 18 miles southwest of Duluth.

The State of Minnesota also certified that Mr. Richard Amatuzio, owner and operator of North Star Marine Operators, of Duluth, had purchased a 5,000-gallon self-propelled barge for use in pumping out commercial vessels in the Duluth/Superior harbor. The State further certified that the barge is capable of reaching all docks in the harbor. Communication by the Agency with Mr. Amatuzio revealed that he has purchased a surplus U.S. Navy gasoline pumper barge for such an intended use.

The State of Minnesota certified that although the listed pumpout facilities handle only recreational vessels, the combination of fixed pumpout facilities and available septic tank trucks will exclude no vessels because of insufficient water depths adjacent to a facility, and further, that all wastes removed from vessels by either fixed pumpout facilities or by septic tank pumps are required to be disposed of at a National Pollutant Discharge Elimination System (NPDES) permitted facility, or on land in conformance with applicable Federal, State, and local requirements.

The State of Wisconsin certifies that pumpout facilities are available for recreational vessels at five sites in Bayfield, and at two sites at La Pointe in the Wisconsin portions of Lake Superior. The State further certifies that septic tank pump trucks are available to service recreational vessels at Ashland and at Superior and that septic tank pump trucks are available to service commercial vessels (which represent about 50 percent of the commercial vessel traffic in Superior Harbor), it is not possible to pump sewage wastes from these vessels while at the ore docks. The State indicates, however, that it is possible for ore vessels to be serviced by septic tank pumps from the grain-loading docks, either prior to being loaded with ore or

prior to leaving the harbor.

Four comments were received in opposition to this application, of the four, three were from individuals and one was from the Lake Carriers Association. The communications from the private parties all stated that there are insufficient pumpout facilities for vessels operating on the Lake and that the distances between available facilities is far too large. The Lake Carriers Association contends (and the State of Wisconsin acknowledges) that there is no possible way for a septic tank pump truck to be driven onto the ore-landing docks to pump out a vessel because of the configuration and structure of the docks. The Lake Carriers Association acknowledges that it may be possible to have the ore boats pumped out by septic pumps at the grain-loading docks; however, to do so, would require the ore vessel to be moved to the grain docks, causing added expense at the grain docks for the ore vessel. The U.S. Coast Guard in Duluth/Superior confirms that space at the grain docks often may not be available.

Investigations by the Agency reveal that approximately 3,200 commercial vessels used the Duluth/Superior harbor in 1975; these figures are confirmed by the U.S. Coast Guard. The State of Minnesota state in their petition that information on commercial traffic at other harbors generally is not available; however, investigations by the Agency reveal that three Minnesota ports on the western shore of Lake Superior have commercial vessel traffic in significant amounts. Two Harbors, Silver Bay, and Taconite Harbor are all loading points for taconite ore extracted from the Mesabi Range. In 1976, approximately 280 commercial vessels called at Two Harbors (confirmed by the Duluth, Mesabi, and from the Range Mining Company), approximately 565 commercial vessels called at Silver Bay (confirmed by the Reserve Mining Company), and approximately 360 commercial carriers called at Taconite Harbor (confirmed by the Erie Mining Company).

Further investigations by the Agency revealed that there are no

pumpout facilities available for commercial ore vessels in Duluth/Superior, Two Harbors, Silver Bay, or Taconite Harbor. Septic tank pumper cannot service the ore docks in Duluth/Superior. It was also found that no commercial ore vessel had been pumped out by a septic tank pumper in Two Harbors, Silver Bay, or Taconite Harbor.

Discussions by the Agency with Mr. Amatuzio as recently as May 10, 1977 confirm that his self-propelled pumper barge is still not operational, even though it has been approved by the U.S. Coast Guard. It is the Agency's understanding that operation of the barge will require a financial commitment by the State to cover a portion of the first year's operating costs, and that this requirement has not been met. Pumpout facilities are not now adequate for commercial vessels.

Following an examination of the petition and the supporting information as well as the additional information ascertained by the Agency, and a consideration of all comments received pursuant to the January 4 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of all vessels are not reasonably available for the Minnesota/Wisconsin portions of Lake Superior. This determination was made pursuant to Section 312(f) (3) Pub. L 92-500.

With respect to the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and the St. Croix River from the mouth to Taylors Falls, Minnesota, the State of Minnesota certifies that four pumpout facilities are available to service vessels on the St. Croix River, and ten pumpout facilities are available to service vessels on the Mississippi River. One of the two pumpout facilities cited on the Mississippi is a gasoline service station located more than a quarter-mile from the river. In addition, the State of Minnesota certifies that seventeen septic tank pump truck operators are available to service commercial vessels on the Mississippi and St. Croix Rivers. Of the seventeen, three are located in municipalities on the St. Croix River, eight are located in municipalities on the Mississippi River, two located in a

municipality approximately six miles from the Mississippi, one (Bob Frelermuth Sanitation Service) is located in a municipality approximately 6 miles from the St. Croix and 10 miles from the Mississippi, and one (A&B Sanitation Service) is located in a municipality approximately 16 miles from the St. Croix and 10 miles from the Mississippi.

The State of Minnesota also certifies that additional pumpout facilities are available farther upstream adjacent to the Mississippi River. The State points out that a majority of towboats use the commercial facility in St. Paul for taking on fuel, effecting repairs, and pumping out sewage. However, it should be noted that the facility referred to by the State Twin City Barge and Towing Company is 18 river miles north of the northern limit of this petition.

The State of Minnesota believes that the combination of stationary pumpout facilities and septic tank pumpers will exclude no vessels because of insufficient water depth. Although the stationary pumpouts handle recreational vessels primarily, the septic tank pumpers are, to the best of the State's knowledge, able to reach all docks, recreational and commercial. In Addition, the State of Minnesota has certified that all wastes from vessels removed at stationary pumpout facilities by septic tank pumpers are required to be disposed of at an NPDES-permitted facility or applied on land in conformance with applicable Federal, State, and local requirements.

The information submitted to me by the State of Wisconsin pertaining to the Mississippi and St. Croix Rivers certifies that two pumpout facilities (both in the same municipality) are available to service vessels on the St. Croix River, and eleven pumpout facilities (in four municipalities) are available to service vessels on the Mississippi River. The four municipalities (Prescott, Pepin, Alma, and LaCrosse) are separated by distances of 44, 15, and 54 river miles respectively, there is an additional distance of 24 river miles from LaCrosse to the southern limit of this petition, but states that towboats have used facilities to the north and south of the Wisconsin portions of the river (in Minnesota

and Illinois, respectively) in the past. The State claims that it is possible to service towboats by septic tank pump trucks in LaCrosse, however, neither numbers of available trucks nor operators of such trucks are specified. It should be noted that LaCrosse is 135 river miles south of Twin City Barge and Towing Co. in St. Paul, which is, as noted above, 18 river miles beyond the northern limits of this petition.

Twelve comments were received in opposition to this petition, of the twelve, one was from an individual and eleven were from commercial barge and towboat operators. The private communication stated that the individual was aware from personal experience that present pumpout facilities are often neither safe nor sanitary, equipment does not function properly, hoses break or come unfastened, spillage is common, and most marina personnel are not trained in waste handling. In addition, the commenter states that in his view adequate and reasonably available pumpout facilities do not exist in this area.

The communications from the commercial barge and towboat operators made several points:

(1) In none of the pumpout facilities cited by the States of Minnesota and Wisconsin is there sufficient depth of water to allow a towboat drawing 8 1/2 to 9 feet of water to enter the facility to pump out.

(2) Even assuming a towboat could get into the marina, in most cases there is insufficient room to maneuver a 140 to 160 foot towboat up to a dock in order to pump out. To attempt to do so would result in a potentially severe danger to other boats, docking areas, hoses and people.

(3) Even assuming a facility existed that could accommodate a vessel the size and weight of a commercial towboat in order to pump out, no method exists to safely move the barges, which total approximately 60 millions pounds deadweight.

(4) In one of the twelve pumpout facilities cited by the State of Wisconsin and in two of the ten pumpout facilities cited by the State of Minnesota, a pumpout capability does not exist. This is confirmed in signed statements by the facility owners.

(5) One of the twelve pumpout facilities cited by the State of Wisconsin in its petition of June 13, 1975, was out of operation.

The State of Wisconsin indicated that there are no "in-place" pumpout facilities for commercial vessels along the Mississippi River with the limits of this petition, and further, that public dockage for commercial towboats generally is not available to service towboats by septic tank pump trucks at LaCrosse, no available septic tank pumpers have been identified by the State.

In summary, although the evidence submitted reveals that adequate facilities for the removal of sewage from recreational vessels are reasonably available for both the Mississippi and St. Croix Rivers, the information available also reveals that there are neither identified pumpout facilities for the removal of sewage from commercial towboats operating on the portion of the St. Croix River, addressed by this petition, nor are there reasonably available pumpout facilities for the removal of sewage from commercial vessels operating on the portion of the Mississippi River addressed by this petition.

Following an examination of the petition and the supporting information, as well as additional information ascertained by the Agency, and a consideration of all comments received pursuant to the January 4 FEDERAL REGISTER notice, I have determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are not reasonably available for the Mississippi River from the Iowa border to Lock and Dam No. 2 at Hastings, Minnesota, and for the St. Croix River from its mouth to Taylors Falls, Minnesota. This determination is made pursuant to Section 312(f) (3) of Pub. L. 92-500.

Dated: July 14, 1977

BARBARA BLUM,
Acting Administrator

[FR Doc. 77-21232 Filed 7-29-77]